

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 21, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Gary Wileman, followed by the Pledge of Allegiance led by Senate page Kristin Wileman.

Roll Call: All members present except Sens. Buhl and Krebs who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

HONORED GUESTS

The President introduced Natalie Prins, the 2012 South Dakota 4-H Rodeo Ambassador from Sisseton, South Dakota, to the body.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration HB 1164 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration HB 1128 which was deferred to the 41st Legislative Day.

Respectfully submitted,
J. Mark Johnston, Chair

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1028 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1029 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1048 and returns the same with the recommendation that said bill be amended as follows:

1 1048ta

2 On page 2 of the printed bill, delete lines 5 to 24, inclusive.

3 On page 3, delete lines 1 to 24, inclusive.

4 On page 4, delete lines 1 and 2.

5 And that as so amended said bill do pass and be placed on the consent calendar.

6 Also MR. PRESIDENT:

7 The Committee on Agriculture and Natural Resources respectfully reports that it has had
8 under consideration HB 1058 and returns the same with the recommendation that said bill be
9 amended as follows:

10 1058tb

11 On page 35 of the printed bill, delete lines 16 to 24, inclusive, and insert:

12 "Section 143. That § 40-15-27 be amended to read as follows:

13 40-15-27. Every livestock agency shall keep complete records ~~on forms approved by the~~
14 ~~Animal Industry Board containing as prescribed by the Animal Industry Board in rules~~
15 ~~promulgated pursuant to chapter 1-26. Such information may include the names of all persons~~
16 ~~or organizations bringing to or offering livestock for sale at such the agency, any livestock,~~
17 ~~together with and a complete description of such the livestock including the approximate age~~
18 ~~and weight, sex, color, marks, brands, and flesh marks thereon. The record shall include the~~
19 ~~license number of any motor vehicle bringing livestock to such agency or its vicinity for~~
20 ~~delivery to it. Such records shall clearly show the name and address of the person or firm for~~
21 ~~whom such animals were sold and the descriptions of such animals as prescribed by the Animal~~
22 ~~Industry Board to fulfill the intent of this chapter.~~ A violation of this section is a petty offense.
23 Each violation is a separate offense.

24 Section 144. That § 40-15-28 be amended to read as follows:

25 40-15-28. The records required by § 40-15-27 shall be open for inspection at any reasonable
26 time to any person interested as prescribed by the Animal Industry Board in rules promulgated
27 pursuant to chapter 1-26 to fulfill the intent of this chapter. Every livestock auction agency shall
28 keep and preserve all records for at least three years and shall furnish copies thereof to peace
29 officers without charge and to any other person upon payment of reasonable charge for making
30 such copy."

1 And that as so amended said bill do pass and be placed on the consent calendar.

2 Respectfully submitted,
3 Bruce Rampelberg, Vice Chair

4 **MESSAGES FROM THE HOUSE**

5 MR. PRESIDENT:

6 I have the honor to transmit herewith HB 1045, 1060, 1080, 1137, 1142, 1143, 1149, 1161,
7 1165, 1184, 1204, 1212, 1226, 1235, and 1237 which have passed the House and your favorable
8 consideration is respectfully requested.

9 Also MR. PRESIDENT:

10 I have the honor to transmit herewith HCR 1007 and 1008 which have been adopted by the
11 House and your concurrence is respectfully requested.

12 Respectfully,
13 Arlene Kvislen, Chief Clerk

14 **MOTIONS AND RESOLUTIONS**

15 SCR 3: A CONCURRENT RESOLUTION, Urging the members of the South Dakota
16 Congressional delegation to sponsor and support legislation granting states the authority to
17 require sellers, regardless of nexus, to collect sales and use taxes if certain tax simplification and
18 streamlining thresholds are met by the states.

19 Was read the second time.

20 Sen. Lucas moved that SCR 3 as found on page 483 of the Senate Journal be adopted.

21 The question being on Sen. Lucas' motion that SCR 3 be adopted.

22 And the roll being called:

23 Yeas 29, Nays 2, Excused 4, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
3 (Jean); Jensen; Johnston; Jones; Kirkeby; Lucas; Maher; Monroe; Novstrup (Al); Olson
4 (Russell); Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen; Van Gerpen;
5 Vehle; Welke; White

6 Nays:

7 Lederman; Omdahl

8 Excused:

9 Buhl; Krebs; Peters; Tidemann

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried and SCR 3 was adopted.

12 Sen. Olson moved that HB 1019, 1020, and 1163 be deferred to Friday, February 22, the
13 28th legislative day.

14 Which motion prevailed.

15 Sen. Olson moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on
16 Friday, February 22, the 28th legislative day.

17 Which motion prevailed.

18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
20 alternative apportionment methods available for determination of the bank franchise tax.

21 Was read the first time and referred to the Committee on State Affairs.

22 HB 1060: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
23 for fiscal year 2013.

24 Was read the first time and referred to the Committee on Appropriations.

25 HB 1080: FOR AN ACT ENTITLED, An Act to include certain speeding offenses in the
26 point system for traffic violations for the purposes of driver license records.

1 Was read the first time and referred to the Committee on Transportation.

2 HB 1137: FOR AN ACT ENTITLED, An Act to impact education in South Dakota.

3 Was read the first time and referred to the Committee on State Affairs.

4 HB 1142: FOR AN ACT ENTITLED, An Act to promote patient choice in selecting health
5 care providers.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 HB 1143: FOR AN ACT ENTITLED, An Act to create a leased residential property
8 classification and to establish the school district general fund levy for the property classification.

9 Was read the first time and referred to the Committee on Taxation.

10 HB 1149: FOR AN ACT ENTITLED, An Act to revise and clarify requirements relating
11 to limits of small game and fish taken by small game hunting parties and fishing parties.

12 Was read the first time and referred to the Committee on Agriculture and Natural
13 Resources.

14 HB 1161: FOR AN ACT ENTITLED, An Act to establish and provide certain incentives
15 for projects that create new jobs or promote economic activity and to establish the rural
16 economic development partnership program.

17 Was read the first time and referred to the Committee on State Affairs.

18 HB 1165: FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the
19 general fund of school districts.

20 Was read the first time and referred to the Committee on State Affairs.

21 HB 1184: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
22 of Game, Fish and Parks to fund certain improvements to the state park system.

23 Was read the first time and referred to the Committee on Appropriations.

1 HB 1204: FOR AN ACT ENTITLED, An Act to require the Board of Education to obtain
2 legislative approval before adopting any further Common Core standards, and to repeal a
3 provision requiring the board to conduct certain public hearings.

4 Was read the first time and referred to the Committee on Education.

5 HB 1212: FOR AN ACT ENTITLED, An Act to increase the expense allowances of
6 legislators.

7 Was read the first time and referred to the Committee on State Affairs.

8 HB 1226: FOR AN ACT ENTITLED, An Act to provide remedies for assets omitted from
9 the division of property in the entry of a divorce decree.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1235: FOR AN ACT ENTITLED, An Act to continue the Regional Watershed
12 Advisory Task Force under the supervision of the Executive Board of the Legislative Research
13 Council in a manner to save public financial resources.

14 Was read the first time and referred to the Committee on State Affairs.

15 HB 1237: FOR AN ACT ENTITLED, An Act to revise certain provisions to abortion
16 counseling.

17 Was read the first time and referred to the Committee on State Affairs.

18 **SECOND READING OF CONSENT CALENDAR ITEMS**

19 HB 1076: FOR AN ACT ENTITLED, An Act to repeal the requirement to separately
20 publish certain information concerning county poor relief from the minutes of the county
21 commissions.

22 Was read the second time.

23 The question being "Shall HB 1076 pass?"

24 And the roll being called:

25 Yeas 31, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
3 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
4 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
5 Van Gerpen; Vehle; Welke; White

6 Excused:

7 Buhl; Krebs; Peters; Tidemann

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1078: FOR AN ACT ENTITLED, An Act to revise the location where certain county
11 highway maps may be filed.

12 Was read the second time.

13 The question being "Shall HB 1078 pass?"

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
18 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
19 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
20 Van Gerpen; Vehle; Welke; White

21 Excused:

22 Buhl; Krebs; Peters; Tidemann

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 HB 1099: FOR AN ACT ENTITLED, An Act to authorize municipalities to pay for certain
26 services in advance.

27 Was read the second time.

28 The question being "Shall HB 1099 pass?"

29 And the roll being called:

1 Yeas 31, Nays 0, Excused 4, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
4 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
5 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
6 Van Gerpen; Vehle; Welke; White

7 Excused:

8 Buhl; Krebs; Peters; Tidemann

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1107: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
12 drainage utility fees in municipalities.

13 Was read the second time.

14 The question being "Shall HB 1107 pass?"

15 And the roll being called:

16 Yeas 31, Nays 0, Excused 4, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
20 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
21 Van Gerpen; Vehle; Welke; White

22 Excused:

23 Buhl; Krebs; Peters; Tidemann

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 HB 1117: FOR AN ACT ENTITLED, An Act to revise the definition of a temporary
27 special events lot for the purposes of vehicle dealer licensing.

28 Was read the second time.

29 The question being "Shall HB 1117 pass?"

1 And the roll being called:

2 Yeas 31, Nays 0, Excused 4, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
5 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
6 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
7 Van Gerpen; Vehle; Welke; White

8 Excused:

9 Buhl; Krebs; Peters; Tidemann

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1039: FOR AN ACT ENTITLED, An Act to clarify the gross receipts subject to
13 taxation by the retail sales and service tax, the gross receipts tax on visitor related businesses,
14 the municipal non-ad valorem tax, and the municipal gross receipts tax.

15 Was read the second time.

16 The question being "Shall HB 1039 pass?"

17 And the roll being called:

18 Yeas 31, Nays 0, Excused 4, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
21 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
22 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
23 Van Gerpen; Vehle; Welke; White

24 Excused:

25 Buhl; Krebs; Peters; Tidemann

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1067: FOR AN ACT ENTITLED, An Act to designate POW/MIA Recognition Day
29 as a working holiday.

1 Was read the second time.

2 The question being "Shall HB 1067 pass?"

3 And the roll being called:

4 Yeas 31, Nays 0, Excused 4, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
7 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
8 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
9 Van Gerpen; Vehle; Welke; White

10 Excused:

11 Buhl; Krebs; Peters; Tidemann

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1084: FOR AN ACT ENTITLED, An Act to designate Purple Heart Recognition Day
15 as a working holiday.

16 Was read the second time.

17 The question being "Shall HB 1084 pass?"

18 And the roll being called:

19 Yeas 31, Nays 0, Excused 4, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
22 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
23 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
24 Van Gerpen; Vehle; Welke; White

25 Excused:

26 Buhl; Krebs; Peters; Tidemann

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

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1 1091ota

2 Sen. Brown moved that the title to HB 1091 be amended as follows:

3 On page 1, line 2, of the House Commerce and Energy Committee engrossed bill, after
4 "pump" insert "and to declare an emergency".

5 Which motion prevailed.

6 HB 1011: FOR AN ACT ENTITLED, An Act to authorize the Board of Hearing Aid
7 Dispensers and Audiologists to establish a thirty day trial period for the sale of hearing aids.

8 Was read the second time.

9 The question being "Shall HB 1011 pass?"

10 And the roll being called:

11 Yeas 23, Nays 8, Excused 4, Absent 0

12 Yeas:

13 Adelstein; Begalka; Bradford; Brown; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
14 Jones; Kirkeby; Lederman; Lucas; Maher; Novstrup (Al); Rave; Rhoden; Soholt; Sutton;
15 Tieszen; Van Gerpen; Vehle; Welke; White

16 Nays:

17 Ewing; Jensen; Johnston; Monroe; Olson (Russell); Omdahl; Otten (Ernie); Rampelberg

18 Excused:

19 Buhl; Krebs; Peters; Tidemann

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 HB 1071: FOR AN ACT ENTITLED, An Act to revise the contents of the application for
23 the discharge of a civil judgment debt discharged in bankruptcy.

24 Was read the second time.

25 The question being "Shall HB 1071 pass?"

26 And the roll being called:

1 Yeas 31, Nays 0, Excused 4, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
4 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
5 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen;
6 Van Gerpen; Vehle; Welke; White

7 Excused:

8 Buhl; Krebs; Peters; Tidemann

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1072: FOR AN ACT ENTITLED, An Act to repeal certain provisions providing a
12 criminal penalty for a political party to endorse or nominate a judicial candidate.

13 Was read the second time.

14 The question being "Shall HB 1072 pass?"

15 And the roll being called:

16 Yeas 29, Nays 2, Excused 4, Absent 0

17 Yeas:

18 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
19 Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
20 (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen; Van
21 Gerpen; Welke; White

22 Nays:

23 Bradford; Vehle

24 Excused:

25 Buhl; Krebs; Peters; Tidemann

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1073: FOR AN ACT ENTITLED, An Act to establish a procedure for the
29 determination of the competency of a juvenile to proceed in a juvenile court matter.

30 Was read the second time.

1 The question being "Shall HB 1073 pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
6 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
7 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
8 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9 Excused:

10 Buhl; Krebs

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1074: FOR AN ACT ENTITLED, An Act to define the insurer's responsibilities
14 concerning health insurance policies in relation to the eligibility of minor dependents for
15 coverage.

16 Was read the second time.

17 The question being "Shall HB 1074 pass as amended?"

18 And the roll being called:

19 Yeas 33, Nays 0, Excused 2, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
22 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
23 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
24 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Excused:

26 Buhl; Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1125: FOR AN ACT ENTITLED, An Act to allow perpetual care and maintenance
30 guarantee funds for cemeteries to be administered by cemetery corporations.

1 Was read the second time.

2 Sen. Rhoden moved that HB 1125 be laid on the table.

3 The question being on Sen. Rhoden's motion that HB 1125 be laid on the table.

4 And the roll being called:

5 Yeas 33, Nays 0, Excused 2, Absent 0

6 Yeas:

7 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
8 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
9 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
10 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

11 Excused:

12 Buhl; Krebs

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 President declared the motion carried.

15 HB 1127: FOR AN ACT ENTITLED, An Act to provide for certain use of income and
16 principal from a perpetual care and maintenance guarantee fund for cemeteries.

17 Was read the second time.

18 1127jc

19 Sen. Holien moved that HB 1127 be amended as follows:

20 On the printed bill, delete everything after the enacting clause and insert:

21 "Section 1. That § 47-29-22 be amended to read as follows:

22 47-29-22. A cemetery corporation also has power:

23 (1) To establish a perpetual fund to be used in purchasing and maintaining mowing
24 equipment, hiring maintenance staff, caring for, ornamenting, beautifying, and
25 improving its grounds. ~~No more than six percent of the combined income and~~
26 ~~principal in a perpetual fund may be used annually for these purposes;~~

27 (2) To receive donations, devises, and legacies for such purpose; and

1 (3) To elect three trustees to care for and invest such trust fund in such manner and under
2 such restrictions and for such term or terms as may be prescribed by its articles of
3 incorporation or bylaws.

4 The directors of any such corporation have power to require bonds from such trustees, from
5 time to time, conditioned for the faithful discharge of their duties in such amounts as such board
6 may deem necessary for the safety and proper security of such fund; and such trustees shall
7 account at least once each year for all income arising from such perpetual fund and to make a
8 full and detailed report of the condition of the fund if required by the board of directors.

9 Section 2. That chapter 55-12 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 A perpetual cemetery, as defined in § 55-12-4, or a perpetual cemetery corporation operating
12 under chapter 47-29 shall file an annual financial report for the preceding fiscal year with the
13 secretary of state by July thirty-first of each year on a form prescribed by the secretary of state."

14 Which motion prevailed.

15 The question being "Shall HB 1127 pass as amended?"

16 And the roll being called:

17 Yeas 32, Nays 1, Excused 2, Absent 0

18 Yeas:

19 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
20 Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
21 (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
22 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 Nays:

24 Bradford

25 Excused:

26 Buhl; Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed.

29 The question being on the title.

1127jtb

Sen. Novstrup moved that the title to HB 1127 be amended as follows:

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise certain provisions relating to the use of principal and interest in cemetery perpetual funds and to require perpetual cemeteries to submit an annual financial report to the secretary of state.".

On page 1, delete line 2.

Which motion prevailed.

HB 1070: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the failure to fulfill the responsibilities of jury duty.

Was read the second time.

The question being "Shall HB 1070 pass as amended?"

And the roll being called:

Yeas 29, Nays 4, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Nays:

Bradford; Lucas; Rhoden; Welke

Excused:

Buhl; Krebs

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

HB 1035: FOR AN ACT ENTITLED, An Act to allow electronic submission and record keeping of placed in service reports.

Was read the second time.

The question being "Shall HB 1035 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
5 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
6 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
7 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Buhl; Krebs

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1153: FOR AN ACT ENTITLED, An Act to exempt certain environmental upgrade
13 values from assessment during construction and to provide a sunset clause for the environmental
14 upgrade exemption.

15 Was read the second time.

16 The question being "Shall HB 1153 pass as amended?"

17 And the roll being called:

18 Yeas 31, Nays 1, Excused 3, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Hunhoff (Jean);
21 Jensen; Johnston; Jones; Kirkeby; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);
22 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
23 Van Gerpen; Vehle; Welke; White

24 Nays:

25 Lucas

26 Excused:

27 Buhl; Holien; Krebs

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

1 HB 1069: FOR AN ACT ENTITLED, An Act to increase the administrative assessment
2 fee for the guarantee fund.

3 Was read the second time.

4 The question being "Shall HB 1069 pass?"

5 And the roll being called:

6 Yeas 31, Nays 2, Excused 2, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
9 (Jean); Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
10 (Russell); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
11 Van Gerpen; Vehle; Welke; White

12 Nays:

13 Jensen; Otten (Ernie)

14 Excused:

15 Buhl; Krebs

16 So the bill having received an affirmative vote of a two-thirds majority of the members-
17 elect, the President declared the bill passed and the title was agreed to.

18 HB 1001: FOR AN ACT ENTITLED, An Act to require mineral developers to give notice
19 to surface owners before entering the land.

20 Was read the second time.

21 The question being "Shall HB 1001 pass as amended?"

22 And the roll being called:

23 Yeas 31, Nays 2, Excused 2, Absent 0

24 Yeas:

25 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
26 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Olson (Russell);
27 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van
28 Gerpen; Vehle; Welke; White

29 Nays:

30 Novstrup (Al); Omdahl

1 Excused:
2 Buhl; Krebs

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1002: FOR AN ACT ENTITLED, An Act to provide for the creation of a trust account
6 for unlocatable mineral interest owners.

7 Was read the second time.

8 The question being "Shall HB 1002 pass as amended?"

9 And the roll being called:

10 Yeas 33, Nays 0, Excused 2, Absent 0

11 Yeas:
12 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
13 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
14 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
15 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Excused:
17 Buhl; Krebs

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 HB 1003: FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture
21 mediation program.

22 Was read the second time.

23 The question being "Shall HB 1003 pass as amended?"

24 And the roll being called:

25 Yeas 33, Nays 0, Excused 2, Absent 0

26 Yeas:
27 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
28 (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
29 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
30 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 Excused:
2 Buhl; Krebs

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1004: FOR AN ACT ENTITLED, An Act to provide for the award of treble damages
6 in certain surface depredation cases.

7 Was read the second time.

8 The question being "Shall HB 1004 pass as amended?"

9 And the roll being called:

10 Yeas 29, Nays 4, Excused 2, Absent 0

11 Yeas:

12 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff

13 (Jean); Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Novstrup (Al); Olson (Russell);

14 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Van Gerpen;

15 Vehle; Welke; White

16 Nays:
17 Jensen; Monroe; Omdahl; Tieszen

18 Excused:
19 Buhl; Krebs

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 Sen. Olson moved that the balance of the calendar including HB 1079, 1101, 1118, 1030,
23 1180, and 1239 be deferred to Friday, February 22, the 28th legislative day.

24 Which motion prevailed.

25 **SIGNING OF BILLS**

26 The President publicly read the title to

27 HB 1086: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
28 publication of certain records by cooperatives.

8 Jeannette Schipper, Secretary